

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In The Matter of United States Patent Application:

Serial No. : 09/873,243
Filed : June 5, 2001
Group Art Unit : 3652
Examiner : TRAN, Thuy Van
Title : HYDRAULIC PLATFORM LIFT INCORPORATING POSITIVE
DISPLACEMENT VALVE, AND POSITIVE DISPLACEMENT
VALVE FOR HYDRAULIC PLATFORM LIFT
Our File : A882688US
Date : November 4, 2003

The Honorable Commissioner of Patents and Trademarks
Washington, D.C.
United States of America 20231

Response to Detailed Action of February 21, 2003

Dear Sir:

This is in response to the Detailed Action of February 21, 2003 advising that the reply filed on November 22, 2002 (submitting a copy of revised claims 1-21 previously intended to be provided with our reply of October 29, 2002) was non-responsive due to failure to elect.

In this regard, and pursuant to 37 CFR 1.143 without prejudice basis to the applicant's right to traverse the restriction requirement, repeats its earlier election and elects claims 13-20.

It is noted that the Examiner's allegation that the applicant had not previously elected was completely unfounded – the Applicant's election having already originally been made in the Applicant's response filed October 29, 2002 (copy attached) where it is clearly stated (see bottom of page 4 and top of page 5) as follows:

"While it is submitted that above amendments are sufficient to overcome the examiner's election requirements, pursuant to 37 C.F.R. 1.143, in the event the examiner should refuse to withdraw the election requirement, the Applicant elects, on a without-prejudice basis, claims 13-20 for further prosecution."

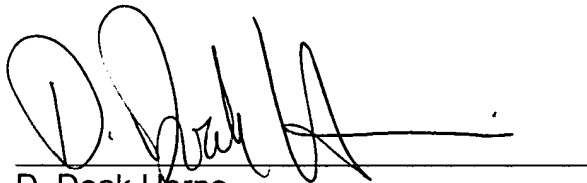
Indeed, upon receipt of the earlier Office Action from the Examiner requiring restriction, Examiner Tran was telephoned, and his attention drawn to the preceding paragraph in the Applicant's response specifically making the aforesaid election. The memo-to-file with respect to the telephone call with Examiner Tran on Tuesday, March 11, 2003 states as follows:

"He agreed that the Office Action requiring restriction was in error.

He agreed to examine all claims to see if restriction still needed, and if not, would submit an office action on all claims."

The Applicant respectfully requests careful consideration of its submissions as to the restriction requirement being withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Doak Horne', is written over a horizontal line.

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